

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-00132-GCM**

MICHAEL MEAD,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
CALVIN SHAW)	
REGINALD BLOOM)	
WILLIAM SAMPSON)	
GASTON COUNTY,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on its own motion. The Fourth Circuit issued an opinion on March 28, 2017 stating that the Court’s Order on January 25, 2016 granting Defendants motion for summary judgment and Defendant’s partial motion to dismiss “did not address the claims for trespass and malicious prosecution against the Defendants in their individual capacities.”

The Court reviewed the briefing submitted by both parties for the Court’s January 2016 order including Defendants’ Partial Motion to Dismiss (Doc. No. 117) and Memorandum in Support (Doc. No. 119), Plaintiff’s Response in Opposition (Doc. No. 131), and Defendants’ Reply (Doc. No. 133), Defendants’ Motion for Summary Judgement (Doc. No. 141) and Memorandum in Support (Doc. No. 149), Plaintiff’s Response in Opposition (Doc. No. 161), and Defendants’ Reply (Doc. No. 170), Plaintiff’s Partial Motion for Summary Judgment on Counts II and IV (Doc. No. 150) and Memorandum in Support (Doc. No. 152), Defendants’ Response in Opposition (Doc. No. 167), and Plaintiff’s Reply (Doc. No. 173).

It appears that through the significant briefing done on the numerous claims in this case, the discussion of the claims for trespass and malicious prosecution against the Defendants in their individual capacities was aggregated and muddled.

IT IS THEREFORE ORDERED that additional briefing be submitted by both parties solely about the claims for trespass and malicious prosecution against the Defendants in their individual capacities. The Defendants must submit their memorandum by April 10, 2017. The Plaintiff's response deadline will be 10 days from the date the Defendant's memorandum is submitted. Defendants' reply deadline will be 5 days from the date the Plaintiff's response is submitted. All memorandums submitted on this issue may be no longer than 10 pages in length.

SO ORDERED.

Signed: March 30, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

